

## WORKERS COMPENSATION ELECTION INFORMATION

K-WC 138 (Rev. 6-12)

The Kansas Workers Compensation Act allows certain employers or individuals to choose their status under the Act. This process is known as filing a written statement of election. Below are the various election forms presently in use:

- A. **Form K-WC 50** is filed by an employee of a corporation who owns 10 percent or more of the corporate stock to elect not to be covered under the Act.  
**Form K-WC 50-A** cancels a K-WC 50 election. (See K.S.A. 44-543(b).)
- B. **Form K-WC 51** is filed by an employer exempt from the law to choose to be covered. This includes employers with less than a \$20,000 payroll and employers involved in agricultural pursuits.  
**Form K-WC 51-A** cancels the election made by K-WC 51. (See K.S.A. 44-505(b).)
- C. **Form K-WC 113** is filed by an individual, proprietor, members of LLCs or partner to elect to cover himself or herself under the Act.  
**Form K-WC 114** cancels the election made by K-WC 113. These forms must be signed by a group pool administrator or an official of the insurance carrier. A signature of an agent is **not acceptable**. (See K.S.A. 44-542a.)
- D. **Form K-WC 123** is filed by an employer to elect to provide coverage for all or some volunteer workers.  
**Form K-WC 124** cancels the election made by K-WC 123. (See K.S.A. 44-508(b).)
- E. **Form K-WC 135** is filed by an employer to elect to provide coverage for persons who are performing public or community service as a requirement to receive public assistance or as a result of a contract of diversion, or assignment to a community corrections program or suspension of sentence, or as a condition of probation or in lieu of a fine.  
**Form K-WC 135-A** cancels the election made by K-WC 135. (See K.S.A. 44-508(b).)
- F. **Form K-WC 137** is filed by volunteer directors, officers or trustees of a nonprofit organization to elect coverage under the Workers Compensation Act.  
**Form K-WC 137-A** cancels the election made by K-WC 137. (See K.S.A. 44-543(a).)

In order to be valid and go into effect, an election form must be filled out completely and filed with the Division of Workers Compensation. Election forms are available on the division's website: [www.dol.ks.gov/wc/frmpub2.html](http://www.dol.ks.gov/wc/frmpub2.html).

**Questions concerning the proper filing or use of elections can be referred to the Ombudsman/Claims Advisory Section at (800) 332-0353, option #2.**

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**FILING ELECTIONS BY FAX OR EMAIL**

1. Go to the "Elections" section of the Forms and Publications page on the division website.

The forms are in .pdf format, which means you must have the Adobe Reader program installed on your computer. If you do not have Adobe Reader, go to the Adobe website and click *Download Adobe Reader*. Your computer will guide you through the download process.

2. Click the fillable form of your choice and the form will appear on the screen.
3. Complete the form by typing in the fields. All fields must be complete or the document will not be accepted by the division.
4. Once you have completed the form, there are three ways to submit it.
  - a) If you do not have a scanner, print the form. Sign and date the document and fax it to 785-296-0025.
  - b) If you have a scanner, but do not have an electronic signature set up:
    - (1) Go to the upper left hand of the page and click the *print* icon and print the document.
    - (2) Sign and date the document.
    - (3) Scan the signed document and save it in your computer.
    - (4) Attach the saved document to an email and send to **wcelections@dol.ks.gov**.
  - c) If you are set up to use an electronic signature in Adobe Reader:
    - (1) Go to the upper right-hand corner and click the *save* icon.
    - (2) A dialog box will open that allows you to save the document on your own computer.
    - (3) Once you have saved the document, open Adobe Reader and retrieve the document.
    - (4) Insert the electronic signature.
    - (5) Go to the upper left hand corner and click *File*.
    - (6) Scroll down the menu and click *Attach to Email*. This will open an email that you will send to **wcelections@dol.ks.gov**.